

REMARKS

Claims 1-5 are pending in this application. By this Amendment, claim 6 is canceled without prejudice to or disclaimer of the subject matter recited therein. The figures and claims 1 and 3 are amended. No new matter is added.

I. Information Disclosure Statement

An Information Disclosure Statement and Form PTO-1449 were filed in the U.S. Patent and Trademark Office on May 20, 2004. Applicant requests that an initialed copy of the Form PTO-1449 be returned with the next Office Action indicating receipt and consideration as the references listed thereon. A courtesy copy of the Form PTO-1449 is attached.

II. Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter in claim 3. As claim 3 is rewritten in independent form to include the features of its base claim and any intervening claims, claim 3 is in condition for allowance. Applicant submits that claims 1, 2, 4 and 5 are also in condition for allowance for the reasons discussed below.

III. Drawings

The drawings are objected to under 37 C.F.R. §1.83(a) for allegedly failing to show a claimed feature recited in claim 6. As claim 6 is canceled, the objection to the drawings is moot. Fig. 7 is revised merely to correct the position of one side of one of the spokes and not in reply to an objection to the drawings.

IV. Claim Rejections Under 35 U.S.C. §112

Claim 6 is rejected under 35 U.S.C. §112, second paragraph. As claim 6 is canceled, the rejection of that claim is moot.

V. Claim Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 2 and 4-6 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,417,585 to Oohashi et al. (Oohashi). As claim 6 is canceled, the rejection of that claim is moot. Applicant traverses the rejection of claims 1, 2, 4 and 5.

Applicant asserts that Oohashi does not disclose each and every feature recited in the rejected claims as amended. For example, Oohashi does not disclose an alternator for use in an automotive vehicle, the alternator comprising *inter alia*... a plurality of spokes formed on the axial end wall of the housing, air inlet port facing the cooling fan formed between neighboring spokes, so that cooling air is introduced into the housing through the inlet ports according to rotation of the cooling fan fixed to the rotor, a plurality of ribs formed between the neighboring spokes, the spokes being larger in both the height and the width than the ribs and having a larger mechanical strength than the ribs, and the spokes are tilted in a direction opposite to a rotational direction of the rotor with respect to a radial line extending from a rotational center of the rotor.

The argument below is based on the Office Action interpretation of the ribs of Oohashi.

As in the previous Office Action, it is again alleged that the intake ribs 63 disclosed in Oohashi correspond to the spokes recited in the rejected claims (hereinafter "spokes of Oohashi 63"). The spokes, as interpreted in the Office Action are actually ribs (i.e., intake ribs 63). There is no discussion of actual spokes in the Oohashi reference. Furthermore, in Oohashi it is the intake port ribs 63 that are tilted. In contrast, the pending claims recite spokes that are tilted. Although the Examiner may interpret the claims broadly, it is improper to redefine the features as specifically set forth in the patent application and as set forth in the applied reference.

Even were the spokes of Oohashi 63 considered to correspond to the plurality of spokes recited in the rejected claims, Oohashi does not disclose a plurality of ribs formed between the neighboring spokes, the spokes being larger in both the height and the width than the ribs and having a larger mechanical strength than the ribs, as recited in the amended claims. Rather, the spokes of Oohashi 63 are narrower and shorter than the plurality of ribs formed between the neighboring spokes. Additionally, the spokes of Oohashi 63 do not have a larger mechanical strength than the ribs as they are narrower and shorter (see Fig. 1a of Oohashi). Accordingly, Oohashi does not disclose each and every feature recited in the rejected claims, as amended. Therefore, Applicants respectfully request the rejection of claims 1, 2 and 4-6 under 35 U.S.C. §102(b) be withdrawn.

VI. Response to Arguments

In the Response to Arguments section on page 5 of the Office Action, part A, it is alleged that in the March 10, 2004 Amendment that Applicant argued that Oohashi "does not disclose an alternator for use in an automotive" [sic], as recited in the preamble of claim 1. The Office Action further states that "the recitation has not been given patentable weight because the recitation occurs in the preamble."

Applicant submits that no such argument was made in the March 10, 2004 Amendment. Rather, at page 4, paragraph 6, of the March 10, 2004 Office Action, Applicant argued "Oohashi does not disclose an alternator for use in an automotive vehicle, the alternator comprising *inter alia* a plurality of spokes formed on the axial end of the housing, their inlet ports facing the cooling fan formed at both sides of the spokes, so that cooling air is introduced into the housing through the inlet ports according to the rotation of the cooling fan fixed to the rotor, and the spokes are tilted in a direction opposite to a rotational direction of the rotor with respect to a radial line extending from the rotational center of the rotor"

(emphasis in the original). Thus, the characterization of Applicant's argument found in section A of the Response to Arguments is incorrect.

In part B of the Response to Arguments it is stated that "the Applicant's misinterpret the principle that claims are interpreted in light of the specification." However, such an argument was not proffered in the March 10, 2004 Office Action. Rather, at page 5 of the March 10 Office Action, Applicant provided a comparison between the features recited in the claims and those alleged to correspond to the features in the applied reference of Oohashi. The comparison was provided to clarify Applicant's argument that the intake ribs 63 of Oohashi did not correspond to the spokes recited in the claims.

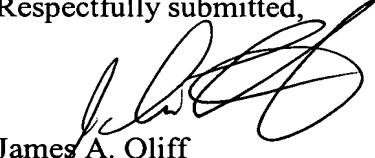
Finally, in the Response to Arguments it is also alleged that Applicant argued an intended use of the claimed apparatus to differentiate the claimed apparatus from the apparatus disclosed in the Oohashi reference. However, no such argument was made. Applicant did, however, compare and contrast the functionality of specific structural components of the claimed apparatus to distinguish and clarify the structural relationship of the claimed features from those of Oohashi.

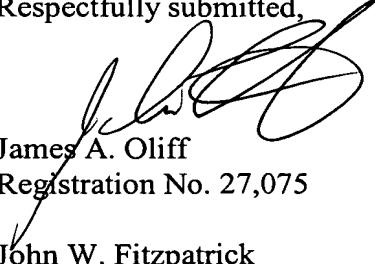
VII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:JWF/ldg

Attachment:

Fig. 7

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